

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| |
|----------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 3/7/11 |

IN RE WORLD TRADE CENTER DISASTER SITE
LITIGATION

X : ORDER APPOINTING
: COUNSEL
: 21 MC 100 (AKH)
:
:
X

ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS fifty-nine Plaintiffs who desired to join in the Settlement Process Agreement, As Amended (“SPA”) had previously participated in the Victim Compensation Fund established by § 401 of the Air Transportation Safety and System Stabilization Act (“ATSSSA”), 49 U.S.C. § 40101 note et seq.; and

WHEREAS § 405(c)(3)(B)(i) of the ATSSSA provides that any person who files a claim with the VCF “waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001”; and

WHEREAS these fifty-nine Plaintiffs were deemed ineligible to join in the SPA under ATSSSA § 405(c)(3)(B)(i) and were removed from the Eligible Plaintiff List despite repeated requests by many of them to be included; and

WHEREAS a question has arisen regarding the continuing status of these Plaintiffs in the ongoing litigation in the above-captioned Master Calendar, and in the 21 MC 103 Master Calendar; and

WHEREAS, consistent with this Court’s order at the status conference held October 5, 2010, that counsel independent of other Plaintiffs in this litigation should be

appointed to advise these fifty-nine Plaintiffs and represent their interests, see Agenda for Status Conference, 21 MC 100, Doc. No. 2183 (S.D.N.Y. Sept. 16, 2010); therefore

IT IS ORDERED that Noah H. Kushlefsky, Esq., of Kreindler & Kreindler LLP, is appointed counsel to these fifty-nine Plaintiffs. Mr. Kushlefsky and, to the degree he deems appropriate, members and associates of his firm, shall consult with each of these Plaintiffs and advise them of their respective rights and options with regard to continuing in this litigation. For this service, Mr. Kushlefsky may charge the same rates previously approved for the Special Counsel, see Order Appointing Special Counsel, 21 MC 100, Doc. No. 2257 (S.D.N.Y. Nov. 24, 2010), and his fees shall be paid by Plaintiffs' Liaison Counsel, Worby Groner Edelman & Napoli Bern LLP. If any of the fifty-nine Plaintiffs thereafter chooses to retain Mr. Kushlefsky or his firm as counsel for general litigation purposes, Mr. Kushlefsky may keep the Plaintiff as a client, with fees payable by the client, previously and thereafter earned. A list of the affected Plaintiffs is attached.

SO ORDERED.

Dated: February 7, 2011
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge

Plaintiffs Who Recovered From the Victim's Compensation Fund

| # | Last Name | First Name | Primary Docket | Master Docket |
|----|----------------|-------------|----------------|---------------|
| 1 | Atlas | Sarah | 07CV04868 | MC100 |
| 2 | Baumann | Christopher | 07CV04300 | MC100 |
| 3 | Berrios | Ruben | 06cv09001 | MC100 |
| 4 | Bigi | Donald | 04CV09857 | MC100 |
| 5 | Boyer | Enis | 06cv07355 | MC100 |
| 6 | Brzostek | Eric | 06cv14511 | MC100 |
| 7 | Cali | Gary | 05cv01469 | MC100 |
| 8 | Callaghan | Thomas | 04cv09850 | MC100 |
| 9 | Carpio | Luis | 08CV01358 | MC100 |
| 10 | Cascio | Raymond | 07CV10873 | MC100 |
| 11 | Cervantes | Regina | 06CV11639 | MC100 |
| 12 | Clarke | Thomas | 07CV04902 | MC100 |
| 13 | Conti | Anthony | 06CV08356 | MC100 |
| 14 | Coto | Mitchell | 05cv09877 | MC100 |
| 15 | Cutrone | Joseph | 06cv12727 | MC100 |
| 16 | Dadabo | John | 09CV03335 | MC100 |
| 17 | Delano | Kevin | 08CV06767 | MC100 |
| 18 | DeMartino, Jr. | John | 06cv06762 | MC100 |
| 19 | Doherty | Kevin | 05CV01756 | MC100 |
| 20 | Estreicher | Richard | 06CV12046 | MC100 |
| 21 | Finn | Andrew | 06cv11665 | MC100 |
| 22 | Forras | Vincent | 07CV05211 | MC100 |
| 23 | Gallo | Anthony | 06CV13616 | MC100 |
| 24 | Gayer | Robert | 07CV09027 | MC100 |
| 25 | Giaramita | Frank | 06cv10764 | MC100 |
| 26 | Guise | Steven | 07CV09028 | MC100 |
| 27 | Hanberry | Brian | 06cv09075 | MC103 |
| 28 | Howell | Jeffrey | 06cv14732 | MC100 |
| 29 | Keegan | Bill | 06CV08791 | MC100 |
| 30 | Kennedy | Donald | 06CV10374 | MC100 |
| 31 | Lester | Suzanne | 06CV10383 | MC100 |
| 32 | Lewis | Patricia | 07CV10176 | MC100 |
| 33 | Libretti | Joseph | 06CV12212 | MC100 |
| 34 | Makuch | Glenn | 07CV10008 | MC100 |
| 35 | Marrero | Julio | 06cv14833 | MC100 |
| 36 | Mastros | Marc | 07CV10803 | MC100 |
| 37 | McCormick | Kenneth | 05cv05601 | MC100 |
| 38 | McGrory | Robert | 05CV01282 | MC100 |
| 39 | McInerney | Timothy | 05CV01371 | MC100 |
| 40 | Miano | Henry | 06cv08473 | MC100 |
| 41 | Morley | Timothy | 06cv10144 | MC100 |
| 42 | Murphy | Brian | 07CV10023 | MC100 |
| 43 | Murphy | Paul | 06cv09152 | MC100 |
| 44 | Napoli | Joseph | 07CV09154 | MC100 |
| 45 | O Keefe | James | 06cv14931 | MC100 |
| 46 | Owens | Girard | 06cv14065 | MC100 |
| 47 | Parker | Edward | 05cv09829 | MC100 |
| 48 | Piatti | William | 06cv14969 | MC100 |
| 49 | Reilly | Thomas | 06cv12439 | MC100 |
| 50 | Revella | Terrence | 07CV05150 | MC100 |
| 51 | Rivas | David | 05CV01698 | MC100 |

Plaintiffs Who Recovered From the Victim's Compensation Fund

| | | | | |
|----|-------------|-----------|-----------|-------|
| 52 | Rizzi | John | 07CV10831 | MC100 |
| 53 | Samuels | George | 06cv12814 | MC100 |
| 54 | Spencer | Brenda | 07CV05085 | MC100 |
| 55 | Tesieriro | Vincent | 07CV10856 | MC100 |
| 56 | Veerapen | Sean | 06cv12597 | MC100 |
| 57 | Viswamithra | Kodengada | 07cv01725 | MC103 |
| 58 | Wilson | Charles | 06cv08882 | MC100 |
| 59 | Zarr | Katherine | 07CV10867 | MC100 |